



**YARMUN 2018**

**THE HUMAN RIGHTS  
COUNCIL**

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**EXPERT REPORT**

Women discrimination problem,  
gender inequality as one the main  
modern world law contradictions

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## Women's Rights and International Law

Women have been fighting for equal rights for generations, for the right to vote, the right to control their bodies and the right to equality in the workplace. And these battles have been hard fought, but it still has a long way to go. Equality in the workplace — women in a range of fields from domestic work to the entertainment industry can tell you — it's still just a dream.

Over the past 60 years, the international community has made many agreements to promote and defend women's rights, contributing to the creation of national laws and influencing the social norms that we all live by. But sometimes these agreements are not in themselves a guarantee of positive change and there are many political pressures that threaten to roll back progress. Nevertheless, they provide a powerful framework for action to realise the rights of all women and girls.

In 1945, the signers of the United Nations (U.N.) Charter reaffirmed their faith in “fundamental human rights”<sup>1</sup> and included “the equal rights of men and women” in this category. It was a unique period in history for human rights in general and for women's rights in particular. The U.N. Commission on the Status of Women, created just two years after the Charter was signed, promised international commitment to women's rights. It convened world conferences to promote strategies for raising women's status and to develop international treaties on women's rights. It drafted three such treaties between 1952 and 1962: the Convention on the Political Rights of Women; the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; and the Convention on the Nationality of Married Women.

In 1975, the U.N. General Assembly united the principles of these Conventions in one comprehensive, nonbinding Declaration on the Elimination of Discrimination Against Women. The Declaration was then expanded and redrafted as the Convention on the Elimination of All Forms of Discrimination Against Women (“Convention”)<sup>2</sup>. A comprehensive bill of rights for women, the Convention has the potential to provide an important international legal mechanism for enforcing women's rights in countries that have ratified it.

The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), agreed in 1979, comprehensively defines gender discrimination and provides the foundation for achieving gender equality in many areas of life. Countries that have ratified the convention are legally bound by its provisions and must regularly report on the measures they take. The binding nature of CEDAW gives women's movements the right to demand its implementation and legitimises their proposals.

Disappointingly, CEDAW did not include violence against women and girls (VAWG) but the UN has made important moves to remedy this by passing the Declaration on the Elimination of Violence against Women in 1993<sup>3</sup> and the CEDAW committee has made several, authoritative, “general recommendations” on VAWG.

Two decades after the Beijing Declaration and Platform for Action (BPfA) was adopted in 1995 at the UN Fourth World Conference on Women, it still provides a visionary grounding for international debate on women's rights. The BPfA called for strong and specific commitments by governments and other

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<sup>1</sup> The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly at its third session on 10 December 1948

<sup>2</sup> The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly

<sup>3</sup> The Declaration on the Elimination of Violence Against Women was adopted without vote by the United Nations General Assembly in its resolution 48/104 of 20 December 1993.

institutions to take action in 12 areas, including health, VAWG, economics, the environment, and decision-making. Progress and challenges on their implementation are discussed each year at CSW.

UN Security Council Resolution 1325, agreed in 2000, recognises women's role in peace building and the impact of armed conflict on women. It promotes women's participation and representation at all levels of decision-making, the protection of women and girls, and the integration of a gender perspective in post-conflict processes and UN activities. 1325 and seven later resolutions together make up the Women, Peace and Security Agenda and provide vital support for women's rights organisations working on the ground.

In 2015, the Sustainable Development Goals (SDGs) were adopted by UN members. Encompassing 17 goals on economic, social, and environmental issues, they apply to all countries. Gender equality is promoted through goal 5, which aims to 'achieve gender equality and empower all women and girls' and is mainstreamed into many of the other goals. SDG 5 sets specific objectives on legal frameworks to end discrimination; VAWG; harmful practices such as child marriage and FGM; unpaid care and domestic work; participation and leadership in public life; sexual and reproductive health and reproductive rights; and, economic rights.

## How discrimination works?

In no country in the world do women enjoy the same rights or opportunities as men. Every day women and girls face discrimination, poverty and violence just because they are female. There are some facts about discrimination in our world.

### Violence against women and girls.

Violence against women and girls is a global issue with 1 in 3 women across the world experiencing violence. (London School of Hygiene & Tropical Medicine, 2013)

Statistics show that the abuser is usually someone the woman knows: 38% of all murdered women are killed by their partner. (London School of Hygiene & Tropical Medicine, 2013)<sup>4</sup>

Of all women killed globally in 2012, it is estimated that almost half were killed by a partner or relative compared to less than 6% of men. (United Nations Office on Drugs and Crime, 2014<sup>5</sup>)

The vast majority of women across the globe have experienced violence on the streets of their cities with 89% of women in Brazil, 86% in Thailand and 79% in India reporting harassment and abuse (Action Aid, 2016). Moreover, only 18 out of 173 countries have specific legislation addressing sexual harassment in public places. (World Bank, 2016<sup>6</sup>)

Over 700 million women alive today were married when they were under 18, and of those some 250 million were married before they were 15. (UNICEF, 2014)

Around 1 in 10 (120 million) girls worldwide have experienced sexual violence at some point in their lives. (UNICEF, 2014)

At least 200 million girls and women alive today living in 30 countries have undergone female genital mutilation. (UNICEF, 2016<sup>7</sup>)

A European Union survey showed that 34% of women with a health problem or disability had experienced violence by a partner in their lifetime, compared to 19% per cent of women without a health problem or disability. (European Union Agency for Fundamental Rights, 2014<sup>8</sup>)

### Participation and leadership

Globally, women make up just 23.3% of parliamentarians. (Inter-Parliamentary Union, 2017)

In January 2017, there were 10 women serving as Head of State and 9 as Head of Government. (UN Women calculation based on information provided to Permanent Missions to the United Nations)

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<sup>4</sup> The report «Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence» by London School of Hygiene & Tropical Medicine, 20 June 2013

<sup>5</sup> The World Drug Report, United Nations, June 2014.

<sup>6</sup> World Bank. 2016. The World Bank Annual Report 2016. Washington

<sup>7</sup> UNICEF Annual Report, June 2015

<sup>8</sup> Violence against women: an EU-wide survey. Main results report. FRA, March 2014

In June 2016, there were 38 countries in which women make up less than 10% of parliamentarians in single or lower houses, including 4 countries with no women at all in both chambers. (Inter-Parliamentary Union and UN Women, 2016)

In January 2015, only 17% of government ministers globally were women. (Inter-Parliamentary Union, 2015)

In June 2016, only two countries have 50% or more women in parliament in single or lower houses. 46 single or lower houses were composed of more than 30% women, including 14 in Sub-Saharan Africa and 11 in Latin America. Out of these 46 countries, 40 had applied some form of quotas. (Inter-Parliamentary Union and UN Women, 2016<sup>9</sup>)

### Women's economic rights

Women spend at least twice as much time as men on domestic work, and when all work – paid and unpaid – is considered, women work longer hours than men. (The World's Women 2015<sup>10</sup>)

International evidence shows that increasing the share of household income controlled by women changes spending in ways that benefit children. (World Bank, 2012<sup>11</sup>)

In 2013, the global employment-to-population ratio was 72% for men and 47% for women. (International Labour Organization, 2014<sup>12</sup>)

Worldwide women are paid less than men, in most countries earning on average 60 - 75% of men's wages. (World Bank Gender Data Portal, 2015<sup>13</sup>)

Women bear disproportionate caring responsibility for children, the elderly and the sick, spending twice to ten times more time a day on unpaid care work than men. (World Bank, 2012)

Women are more likely than men to work in informal employment. In South Asia, over 80% of women in non-agricultural jobs are in informal employment, in sub-Saharan Africa, 74%, and in Latin America and the Caribbean, 54%. (UN Women, 2015)

In a study of 173 countries 155 have at least one legal difference restricting women's economic opportunities. Of those, 100 have laws that restrict the types of jobs that women can do, and in 18 husbands can prevent their wives from accepting jobs. (World Bank, 2015)

Women farmers control less land than men. Less than 20% of landholders are women. (Food and Agriculture Organization, 2011<sup>14</sup>)

Bringing women's wages into line with men's would add \$28 trillion to global GDP. (McKinsey Global Institute, 2017<sup>15</sup>)

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<sup>9</sup> Women in national parliaments. Inter-Parliamentary Union and UN Women, November 2016

<sup>10</sup> The World's Women 2015 Trends and Statistics, United Nations Statistics Division, January 2015

<sup>11</sup> World Bank. 2012. The World Bank Annual Report 2012. Washington

<sup>12</sup> International Labour Organization, World of Work Report 2014

<sup>13</sup> Women, Business and the Law (WBL), World Bank Gender Data Portal, 2015

<sup>14</sup> The main report of Food and Agriculture Organization by the United Nations, 2011

<sup>15</sup> The report «Women in the Workplace 2017» by McKinsey Global Institute, October 2015

### Peace and conflict

Only 4% of signatories in 31 major peace processes between 1992 and 2011 were women: 2.4% of chief mediators, 3.7% of witnesses and 9% of negotiators were women. (UN Women, 2011)

7.4% of countries have had female heads of states over the last 50 years. (World Economic Forum, 2013)

Out of 585 peace agreements from 1990 to 2010, only 92 contained any reference to women (International and Comparative Law Quarterly, 2010<sup>16</sup>)

When women are involved the probability of a peace agreement lasting at least two years is increased by 20 per cent, and 15 years by 35 per cent. (Preventing Conflict, Transforming Justice, and Securing the Peace: A Global Study on Implementation of Security Council resolution 1325, 2015)

In 2015, 90 per cent of police personnel and 97 per cent of military peacekeepers were men. (UN Security Council, 2015)

Data from 40 countries shows a positive correlation between the proportion of female police and reporting rates of sexual assault. (UN Women, 2012)

Only two per cent of aid to conflict-affected states in 2012 and 2013 targeted gender equality, and only \$130 million out of almost \$32 billion of total aid went to women's equality organisations. (Preventing Conflict, Transforming Justice, and Securing the Peace: A Global Study on Implementation of Security Council resolution 1325, 2015)

### Funding for women's rights organisations

A global survey of 1,119 women's rights organisation from over 140 countries showed that only 1 in 10 received funding from bilateral donors, national governments and international non-government organisations. Meanwhile only 6.9% received funding from UN Women. (AWID, 2011<sup>17</sup>)

The lives of many women, however, represent a sharp contrast from the equal status with men that the Convention has granted them. While the Convention is the most comprehensive treaty ever developed on the rights of women, it has several shortcomings. It fails to specifically delineate women's rights in important areas; its enforcement mechanisms are among the weakest in international human rights treaties; and reservations entered by many states make it even less effective. Moreover, the human rights community traditionally has relied on a narrow definition of human rights, which has blinded its members to the particular ways in which women's rights are violated.

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<sup>16</sup> The International and Comparative Law Quarterly. Cambridge University Press on behalf of the British Institute of International and Comparative Law, 2010

<sup>17</sup> Annual Report 2011, AWID 2011

## The most disturbing issues of discrimination against women

Nowadays there are still many difficult problems of discrimination against women's rights and the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) every month publishes the most disturbing issues.

- 6/27/2018 «Saudi Arabia must immediately free women human rights defenders held in crackdown» - say UN experts.
- 6/22/2018 UN experts to US: “Release migrant children from detention and stop using them to deter irregular migration”.
- 6/20/2018 «New laws needed urgently to tackle online violence against women and girls»- says UN rights expert
- 5/24/2018 UN experts call on India to protect journalist Rana Ayyub from online hate campaign
- 5/16/2018 «Leave no LGBT person behind»
- 4/27/2018 Canada: UN expert urges new measures to target gender-based violence, especially against indigenous women
- 3/26/2018 Brazil: UN experts alarmed by killing of Rio human rights defender who decried military intervention
- 3/21/2018 “Confronting the Two Faces of Racism: Resurgent Hate and Structural Discrimination”
- 3/19/2018 UN experts alarmed by reports of human rights defenders beaten in Iran jail
- 3/06/2018 #MeToo: “A transformative moment, liberating and empowering”
- 12/20/2017 The Bahamas: UN Special Rapporteur calls for fresh steps to tackle violence against women
- 11/30/2017 Libya must end “outrageous” auctions of enslaved people, UN experts insist
- 10/30/2017 Puerto Rico: Human rights concerns mount in absence of adequate emergency response
- 10/6/2017 UN must prioritise women's protection amid States' inadequate action, urges Special Rapporteur
- 7/18/2017 UN experts urge Bahrain to investigate reports of torture and ill-treatment of rights defender Ebtisam Alsaeg
- 6/12/2017 States must provide shelters as “survival tool” for women victims of violence - UN expert
- 5/19/2017 Mexico: UN rights experts strongly condemn killing of human rights defender and call for effective measures to tackle impunity
- 5/16/2017 Embrace diversity and protect trans and gender diverse children and adolescents
- 5/9/2017 UN experts call on Nigeria to ensure release of all those still under Boko Haram captivity
- 4/28/2017 Honduras needs progressive reform of abortion law to advance women's human rights, say UN experts
- 4/12/2017 UN experts mark third anniversary of Nigeria kidnapping with new plea for “forgotten” Chibok girls
- 3/30/2017 UN experts urge UAE to quash the death sentence against a woman migrant domestic worker
- 3/3/2017 Australia places violence against women high on the agenda but indigenous women left behind, says UN expert
- 1/25/2017 Dominican Republic: UN rights experts urge legislators to back President Medina's stand on abortion<sup>18</sup>

We are at a global turning point for women's rights. In the past three decades, women's rights have been enshrined through declarations, policies and global frameworks. Yet now more than ever, women's rights are at threat from rising fundamentalisms, financial crisis, political turmoil and backlash against feminism. The power dynamics that drive inequality between women and men remain

<sup>18</sup> United Nations Committee on the Elimination of Discrimination against Women (CEDAW): News and Press Releases, 2017-2018

## Gender inequality affects men too

We need to acknowledge that the sexism against women and girls is still a more severe problem in most parts of the world. However, contrary to popular belief, men and boys can also be subject to discrimination. Men are also victims of domestic violence and sexual assault, but state institutions and society in general take such violence less seriously because of the prevailing attitudes towards men, such as the belief that men are fearless, sustain greater pain, and are more capable of self-defence. A study on sexual harassment in the US prison system found that 'the sexual coercion incidence rate for males was 22%, while for females it was 7%' (p.39). However, one may object that often men themselves are perpetrators of sexual assault on males, not females.

## Psychological and emotional pressure

Traditional stereotypes are often just as difficult for men to live up to. There are enormous pressures to be a 'real man', to demonstrate physical and emotional strength, and to provide financially as the family 'breadwinner'. Trying to live up to this ideal can lead to feelings of inadequacy. Yet the pressure to remain emotionally resilient often prevents men seeking help. Men are more likely to consume alcohol excessively; more likely to engage in violent and risky behaviours; and less likely to admit pain, seek medical advice or have a strong social network from which to ask for help. Among young men aged 12 to 24 years there are three male deaths to every female death, with accidents and suicide accounting for most of the difference. In 2015 around 76% suicides were by men. Men may face discrimination or disapproval when taking on career paths, caring responsibilities and activities traditionally reserved for women. For example, men account for only 5% of the early childhood education and care workforce and are radically under-represented in the maternal child and health workforce. This creates challenges for men seeking out careers in these industries. While many men want to take more equal responsibility in caring for children, workplace practices often prevent or discourage them from taking extended parental leave or from working flexibly. Men who have better access to flexible work are more productive in their jobs, report higher work performance, cope better with higher workloads, have fewer absences and have lower levels of personal stress and burnout. Military conscription is an overt one, but it reflects a much deeper problem. Boys are raised to be warriors. They're supposed to be tough, emotionless, and aggressive. Picture a defense robot that stays in the closet all the time, and when you push a button it comes out and takes care of business, and then when it is no longer needed, it's supposed to go dutifully back in the closet and switch off. That last bit is crucial. It's also popular to blame them for having been trained this way, and they are supposed to sit quietly and take it when they are shouted at, and remain off.

The trouble is that men aren't robots. They're human, but that is consistently ignored, ironically but unsurprisingly, by a large number of women who simultaneously complain that women aren't treated as human.

It's a bit better with men, except those who ostentatiously display to aforementioned women. There is a clipped, laconic style of communication between men that conveys an enormous amount of affection in a glance and a word, which is different from the elaborate verbal style that women use. We do that because that's all we're permitted. We're constantly admonished to show our feelings, but when we do, we are considered creeps or potential rapists.

A fascinating classical study, widely ignored, was "Sex Differences: A Study in the Eye of the Beholder"<sup>19</sup> by Condry and Condry in which people were shown an infant engaging in a behavior and asked to guess the emotion of the infant. Same infant, same behavior. The single strongest correlate was when told the infant was a girl, they overwhelmingly guessed "fear," and when a boy, "anger." What did not correlate was also interesting. There was no correlate with the politics of the observers. That is, progressive egalitarians were just as likely to do this as conservatives with a traditional sex

<sup>19</sup> The Second Sexism: Discrimination Against Men and Boys. David Benatar, May 2012, Wiley-Blackwell

hierarchy. Other studies have shown that female infants are held and reassured about twice as long as male infants. Fear is not permitted of males. Any emotion, no matter what it is, is judged as anger. The culture only accepts and recognizes anger from males. Anything else is mocked as the "fragile male ego." And then people wonder why our prisons are full of men.

### Discrimination as a zero-sum game

Men cite examples of discrimination, they note that men are more likely to get speeding tickets and are expected to pay on dates. Women, on the other hand, tend to cite things like the gender pay gap and fear of sexual assault. Perhaps more important, though, researchers have found that men are prone to seeing discrimination as a zero-sum game. That is, they believe that discrimination against one group necessarily benefits another group and vice versa, so any policy that benefits African-Americans, for instance, harms whites, and any policy that benefits women amounts to discrimination against men. Fifteen years ago, younger men — and women of all ages — overwhelmingly rejected this view, but recent data shows that younger white men are now about as likely as older men to see discrimination as zero-sum.

With race-based policies, it's possible that some might amount to aiding a minority at the expense of the majority — affirmative action policies for college admissions, for instance. But it's often less clear how policies that help women might hurt men. In the ANES data, men who perceive discrimination against men are more likely to oppose mandatory employer coverage of contraception and parental leave laws, for instance<sup>20</sup>. Even if there's no evidence that such policies would hurt men (heterosexual men clearly also benefit from contraception), the logic of the zero-sum approach is unforgiving: Anything that helps women must also be hurting men.

The belief that you're facing systemic discrimination has real psychological consequences for people. So long as they don't see the discrimination as part of a broader pattern in which society as a whole is biased against them, they're generally able to cope well. For example, in a 2003 study researchers showed that women displayed lower self-esteem after an instance of sexist discrimination — but only when they were made to believe that sexism was widespread. Even if men are actually privileged in society, the belief that they aren't is enough to push them to respond to perceived discrimination in the same way that actually disadvantaged members of society do. They increase their gender group identification, experience lower self-esteem, get angry, and even lash out at the group they see as doing the oppressing.

If all of this sounds familiar, it may be because these patterns are being replicated on a large scale in the 2016 presidential election. One of the strongest correlates of belief that men are being discriminated against is support for Donald Trump. Controlling for other factors, the more that independent and Republican men support Trump, the more likely they are to say that men are being discriminated against. The presence of a woman at the top of a major party ticket for the first time is also likely raising hackles among men concerned that women are taking over society. Controlling for other factors, the more discrimination men perceive against their gender, the lower they rate Hillary Clinton on a feeling thermometer scale (a measure used in political polls to measure positive or negative feelings toward an individual or group, running from 0–100, with higher scores representing positive feelings). Put together, this indicates that while the election in the USA this year may be making these sorts of views more visible, and may even have activated them in some men, the underlying causes of perceived discrimination go much deeper. The culprit isn't the actions of candidates or government policies, but rather the zero-sum view of discrimination held by many, and actively promulgated by groups in what we now refer to as the "alt-right." Until that view has been confronted, and roundly rejected, we can expect white men to increasingly see themselves as victims as other groups start to catch up. Men benefit from gender equality as they too face gender-specific issues such as lower life expectancy, bad health, lower education levels and rigid gender norms. It is essential that both women and men are

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<sup>20</sup> Does Feminism Discriminate against Men? A Debate. Oxford University Press, 2007

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aware of the benefits that gender equality brings to them as individuals and as members of communities and societies. It is also true that we can only succeed through the participation of both women and men. Therefore it is important to engage more men in standing for gender equality for this is the way to bring about change. To do that it is also necessary to make men understand how gender equality is relevant for them.

## **Gender equality: harmony of the sexes**

Gender equality is a human right, but our world faces a persistent gap in access to opportunities and decision-making power for women and men. Globally, women have fewer opportunities for economic participation than men, less access to basic and higher education, greater health and safety risks, and less political representation. Guaranteeing the rights of women and giving them opportunities to reach their full potential is critical not only for attaining gender equality, but also for meeting a wide range of international development goals. Providing women and men with equal access to education, health care, decent work, and representation in political and economic decision-making processes will fuel sustainable economies and benefit societies and humanity at large. Implementing new legal frameworks regarding female equality in the workplace and the eradication of harmful practices targeted at women and men is crucial to ending the gender-based discrimination prevalent in many countries around the world.

«Gender equality» does not mean that women and men will become the same, but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. «Gender equity» means fairness of treatment for women and men, according to their respective needs. This may include equal treatment or treatment that is different, but which is considered equivalent in terms of rights, benefits, obligations, and opportunities.

When we talk about opportunity, we're talking about ensuring opportunity is not limited simply on the basis of gender. We are talking about correcting for gender biases so that economic outcomes improve for all.

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